

Prison Reform Trust response to the Law Commission’s call for evidence for its’ review of homicide law — October 2025

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Introduction

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families
- promote equality and human rights in the criminal justice system.

www.prisonreformtrust.org.uk

Our approach

We present two forms of evidence in our submission. Firstly, we present a quantitative overview of prison population and sentencing trends for the offence groups that fall within consideration for the review. We particularly examine impacts of the dramatic increase in the length of minimum tariffs served for murder following the introduction of the Criminal Justice Act 2003.

We use this evidence to consider the advantages and disadvantages of the three-tier model from the perspective of its potential impact on the prison population. In particular, we consider whether the introduction of a discretionary life sentence for second-degree murder may result in a higher number of life sentences for incidences that currently fall within manslaughter and other forms of homicide.

We then present qualitative evidence from the perspective of prisoners serving sentences for homicide (almost exclusively murder), on their offences; sentences; and their consequences. We consider the implications for the three-tier model, through examining what the evidence says about the effectiveness of homicide sentences in fulfilling the core purposes of sentencing.

While there are other equally important perspectives, such as the extent to which victims feel justice is done, or upholding broad legal and moral principles, several purposes of sentencing are intended to operate directly on the person who receives the sentence. We therefore argue that prisoners' perspectives are a valid, and valuable source of evidence for considering the real-world utility of the three-tier model.

A criticism previously levelled at the proposed three-tier structure was a lack of moral coherency on the grave act of homicide. While the purposes of sentencing have attracted their own criticisms about coherency, they stand as the most well-established overarching moral principles to guide sentencers. We argue that, in law, the real impact of homicide sentences has not received sufficient empirical consideration, and it is crucial to consider whether any reforms actually fulfil intended their intended purposes.

In addition to these two broad overviews, we also consider the evidence pertaining to gender, age and ethnicity in homicide sentencing, and point to both the opportunities and risks presented by the three-tier model for addressing existing disparities. We conclude that while both opportunities and risks exist; many of the concerns occur at the post-conviction stage. We conclude that reforms of homicide law also need a broader consideration of the intersectional effects of punishment, and examination of the broader set of laws that govern the entire course of a homicide sentence, not just its imposition.

For this submission, we have drawn most heavily on three sources. The first is the independent review 'Making Sense of Sentencing', a landmark review of long sentences led by Bishop James Jones and supported by PRT. The review took both a wide and deep view of long sentences from the perspective of both prisoners and victims. It recommended better analysis of whether long sentences achieve sentencing purposes: something which we directly address in our submission.

[Independent Commission into the Experiences of Victims and Long-Term Prisoners: Making sense of sentencing: doing justice to both victim and prisoner.](#)

The second source is official data published by the Ministry of Justice, with a particular focus on trends in both sentencing and imprisonment, in order to reach a more holistic understanding of homicide sentencing from disposal to post-release. Where possible, we detail specific trends for women, children, young adults and people from ethnic minority backgrounds.

The third source is the substantial body of consultations conducted by PRT's Building Futures programme, which focuses on men serving custodial sentences of 10 or more years, and women serving eight or more years. Many of this group are serving sentences for homicide. We have drawn most comprehensively on one particular consultation, 'Making Progress?', which directly addressed questions about the effectiveness of lengthy sentences. However, a range of consultations have touched on the experiences of homicide sentencing, post-conviction. We have also drawn particularly on the women's strand of Building Futures called Invisible Women.

Building Futures consultations:

[Making progress? What progression means for people serving the longest sentences](#)
[Release from long-term imprisonment](#)

[Who cares? A consultation on ageing and lost milestones in prison](#)

[A long stretch: the challenge of maintaining relationships for people serving long prison sentences](#)

[Growing old and dying inside](#)

[Progression within a prison](#)

Invisible Women briefings:

[Progression](#)

[Hope, health and staff-prisoner relationships](#)

[Understanding women's experiences of long-term imprisonment](#)

Where relevant, we also draw on the broader academic literature and the work of other NGOs to contextualise and extend our analysis.

The issues addressed and a summary of our position

We are not a legal charity, and as such many of the issues outlined in the call to evidence fall outside our remit of expertise. We have chosen to the selected issues below:

Issue 1.

5.1 We invite evidence on the advantages and disadvantages of the existing structure of homicide offences.

5.2 We invite evidence on the advantages and disadvantages of the structure of homicide offences that we recommended in 2006.

5.3 We invite evidence on possible alternative structures of homicide offences.

We support the three-tier model *in principle*, on the basis that it better reflects the moral sense that prisoners make of their sentences, and therefore could go some way to restoring proportionality and legitimacy of punishment for homicide, as well as presenting a very valuable opportunity to reset the disastrous rise in minimum term lengths, and the consequent impact on the prison population; particularly for children and young adults.

We support the spirit of the model in introducing more nuance to homicide culpability, particularly the opportunities that nuance brings for dealing more proportionately with well-known areas of injustice, such as joint enterprise, and points of the current law that yield unfairly heavy punishment to women and minoritised groups through contexts such as double disadvantage and domestic abuse. In our submission we set out why prisoners are reasonable judges of the moral coherency of their punishment, and why legitimate punishment matters for effectively fulfilling the purposes of sentencing.

However, we have reservations about the model's operation *in practice*. Our submission describes where the evidence points to risks of unintended consequences, which could risk a further *inflationary* effect on the already rising life/long-sentenced population; something which would be catastrophic for already overcrowded prisons, as well as dragging more individuals into sentences that lack purpose, hope or effectiveness.

Our central concern is the risk of reforms failing to account for how homicide sentences work in practice, post-conviction, at what Padfield (2005)¹ calls the 'back door sentencing' stage. While in law, the mandatory and discretionary life sentences serve distinct purposes and have very different criteria for imposition; for sentence progression purposes they are treated identically. We have concerns about how the three-tier model may confuse, dilute and possibly expand the role of the discretionary life sentence without careful safeguards.

Currently the discretionary life sentence is used relatively sparingly for forms of homicide other than murder, and this is likely to be because of its current restriction to individuals who pose a serious risk of future harm, rather than offence seriousness alone. We strongly recommend that the public protection purpose of the discretionary life sentence should be preserved in cases of second-degree murder, if the intended

¹ Padfield, N. (2005). "Back door sentencing": is recall to prison a penal process? *The Cambridge Law Journal*, 64(2), 276-279.

nuance of the three-tier model is to be achieved in practice. Post-conviction, sweeping people ‘down’ from mandatory to discretionary life would have little effect, save for the possibility of a shorter minimum term. However, sweeping people ‘up’ into a discretionary life sentence who may not pose a serious risk of harm, could end up unintentionally increasing sentence severity for other forms of homicide, while making little practical difference for those convicted of murder under the current two-tier model.

We therefore recommend that further investigation be done on the penal effects of the three-tier model once more detailed proposals are developed, in order to understand the practical impact on individuals, groups, and the prison system. In order to balance legal, moral and practical coherency, we encourage the Commission to examine three types of evidence in order to test different constructions of the three-tier model: simulated exercises testing the impact on the prison population using real cases; moral coherency as judged by prisoners serving homicide sentences; and practical feasibility as judged by sentence management staff.

In regard to alternative structures, we suggest that, rather than an alternative, the Commission extends its consideration of reforms to the laws that govern ‘back door sentencing’; affect the post-conviction stages of homicide sentences, including parole and recall. People convicted of homicide are affected by these stages of their sentence as much as by its initial imposition, and reforms should cover sentences as experienced in their entirety.

Issue 3

5.7 We invite evidence on any aspect of the law of complicity, as relevant to homicide offences, partial and full defences and the sentencing framework for murder.

We do not consider that we have the expertise to comment on the finer legal points of the law of complicity. Broadly speaking, our position is that any reforms must take account of the evidence on racial and gender proportionality, in a way that reduces both disproportionate sentencing outcomes and reduces the experiences of injustice that undermine sentence progression. The evidence indicates that prisoners’ perceptions of complicity are intimately linked to perceptions of culpability; which in turn are linked to perceptions of legitimate and proportionate punishment. This set of appraisals are crucial for prisoners’ progression; and therefore for purposes of sentencing.

Issue 12

5.17 We invite evidence on the operation of substantive homicide offences, partial and full defences, and sentencing for murder in cases where victims of domestic abuse kill their abusers.

Again, we do not feel equipped to comment on the finer legal points of defences, except to point to our support of the ‘householder defence’ during the passage of the Domestic Abuse Bill, as a way of providing additional recognition for domestic abuse victims.² The evidence indicates that the role of domestic abuse in homicide is poorly recognised, and when combined with accumulated disadvantage and discrimination, results in outcomes that do not fully reflect culpability. Women in particular can

² [Prison Reform Trust \(2019\). Domestic Abuse Bill—proposed statutory defence for domestic abuse victims driven to offend.](#)

accumulate even further disproportionality in punishment owing to the way they are managed in the prison system;³ and any reforms should take account of these.

Issue 13

5.19 We invite evidence on the sentencing framework for murder in relation to offenders aged 21 and over.

Issue 14

5.20 We invite evidence on the sentencing framework for murder in relation to offenders aged 18 to 20.

Issue 15

5.21 We invite evidence on the sentencing framework for murder in relation to offenders aged under 18.

The introduction of Schedule 21 has had a catastrophic effect on the prison population. Our analysis of official data indicates that the average minimum terms handed down were levelling out at around 21 years on average, having almost doubled since Schedule 21's introduction.⁴ However, the Police, Crime, Sentencing and Courts Act 2022 made changes that are likely to re-accelerate inflation, especially for children.⁵ The lagged effects of lengthy minimum terms are also beginning to show: the number of mandatory lifers released per year is dropping steeply,⁶ and while Parole Board decision-making on release remains stable, the number of life-sentenced cases coming before it has dropped by a third in the last decade.⁷ This points to a more static life sentenced population; a conclusion borne out by qualitative evidence that points to a group enduring hugely enhanced levels of hopelessness, despair and stagnation in progression. We argue that the purposes of sentencing for homicide have become unbalanced through the introduction of Schedule 21, with punishment especially acutely experienced at the younger and older end of natural life. The evidence suggests that any reforms to Schedule 21 should:

- have due regard for all purposes of sentencing not just punishment, starting with a reset of minimum starting points
- take empirical evidence on the experience of punishment (including aged and gendered effects) into account
- introduce greater distinction for sentencing of young adults in recognition of their continuing development, and the legal definition of a young adult to 18-25 years old inclusive, in line with evidence
- at an absolute minimum, restore the opportunity for a mid-term review for everyone sentenced as a child, and consider extending the option to people sentenced as young adults.

³ Prison Reform Trust (2017). *"There's a reason we're in trouble"—domestic abuse as a driver to women's offending.*

⁴ House of Lords written question HL7261, 6 April 2022.

⁵ *Sentencing Act 2020, Schedule 21.*

⁶ Ministry of Justice (2025). *Offender management statistics quarterly: October to December 2024.*

⁷ The Parole Board for England and Wales (2025). *Annual report.*

A quantitative overview

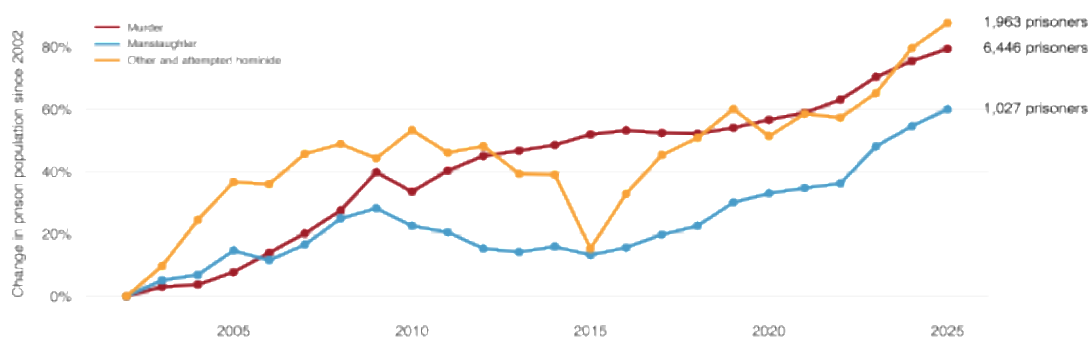
The prison population convicted of homicide

Key points:

- The prison population serving sentences for homicide is rising faster than the general population.
- The number of people serving sentences for murder has risen by more than three quarters this century, but in the last three years the number serving for other categories of homicide has risen more steeply than those serving for murder.
- Legislative changes since 2015 may be driving this trend.

The number of prisoners serving a sentence for all categories of homicide has increased over the last quarter of a century. The number serving sentences for murder has increased by 79%; manslaughter sentences by 60%; and 'other' forms of homicide (attempted murder; conspiracy to murder; causing or allowing death; and driving-related homicide) by somewhere between 16% and 88% (see footnote 7 on why this cannot be specified further).^{8,9} This is despite a decline in the overall homicide rate.¹⁰ As an orienting figure, the sentenced prison population as a whole increased by 21% between 2002 and 2025.¹¹

Figure 1: The increase in the prison population convicted of homicide since 2002*



*Figures for 'other and attempted homicide' are an overcount (see footnote 7).

Source: Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

⁸ An unfortunate caveat on this figure is that from 2015 onward, the figures for the prison population serving sentences for 'other' homicides conflate death and serious injury in two offence categories: dangerous driving and causing death/injury to a child or vulnerable person. Discussed trends in prisoners convicted for other homicides are therefore given as a range or as an overcount. On average, around 395 sentences are given per year for dangerous driving, of which around 60% are for causing serious injury and 40% are for causing death. Around 18 sentences are given for causing or allowing death/serious harm of a child or vulnerable adult, of which around 73% are for serious harm and 27% for death.

⁹ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

¹⁰ Office for National Statistics (2025). *Homicide in England and Wales: year ending March 2024*.

¹¹ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*. And previous editions.

Despite increases across the board, each category of homicide has experienced a slightly different trajectory, some more explainable than others. The number serving murder sentences has increased steadily, while the number serving a sentence for manslaughter and other homicides peaked around 2008–9, and then declined until 2015, at which point that trajectory reversed.

Since 2015, the number serving a sentence for murder has increased by a further 18%; but the number serving a sentence for manslaughter has increased by 41% and the number serving for other homicides by somewhere between 39 and 63%. Even though the number of prisoners in the latter two groups remains much smaller than the number serving sentences for murder, they have grown more steeply.

Since 2015 there have been a number of changes to manslaughter sentencing. These include revised aggravating and mitigating factors in sentencing guidelines;¹² and mandatory life sentences for manslaughter of an emergency services worker were introduced in the Police, Crime, Courts and Sentencing Act 2022.¹³ The prison population has shown varying degrees of sensitivity to these changes. The average year-on-year increase in the prison population serving sentences for manslaughter has remained at around 2-4%, with a notable spike of 9% in 2023 (the year after the PCSC Act).

For other homicide offences, 2015 saw the introduction of a new offence of causing death by driving while disqualified,¹⁴ and in 2022 the maximum penalties for causing death by dangerous driving, and careless driving while under the influence were increased to life imprisonment.¹⁵ The number of people serving a sentence for driving-related homicides has approximately doubled in the last decade, though still number less than 1,000.¹⁶ It is not possible to give a precise figure due to the number of prisoners convicted of death and serious injury by dangerous driving being conflated.

¹² Sentencing Council (2018). *Manslaughter*. <https://sentencingcouncil.org.uk/resources/guideline-history/manslaughter/>

¹³ *Police, Crime, Sentencing and Courts Act 2022*, s3. <https://www.legislation.gov.uk/ukpga/2022/32/section/3>

¹⁴ *Criminal Justice and Courts Act (2015)*, Schedule 6. <https://www.legislation.gov.uk/ukpga/2015/2/schedule/6>

¹⁵ *Police, Crime, Sentencing and Courts Act 2022*, s86. <https://www.legislation.gov.uk/ukpga/2022/32/section/86/enacted>

¹⁶ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

Table 1: Number of serving prisoners convicted of homicide by offence category

Homicide offence	2015	2025	% change
Murder	5,458	6,446	18%
Manslaughter	728	1,027	41%
Other homicides	879–1,207	1,218–1,963	39–63%
Of which: <i>Driving-related</i>	67–389	116–817	73–110%
<i>Non-driving related</i>	811–817	1,102–1,146	36–40%
Of which: <i>Attempted murder</i>	706	957	36%
<i>Conspiracy to commit murder</i>	105	145	38%
<i>Causing or allowing death/serious physical harm to a child or vulnerable person**</i>	6	44	633%

*For figures where a range is given, the lower value excludes categories where death and injury are conflated, and the upper value includes them.

**2015 had an unusually low population imprisoned for this offence. In 2016, there were 25 people, which had increased by 76% by 2025.

Source: Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

Sentencing trends for homicide

Key points:

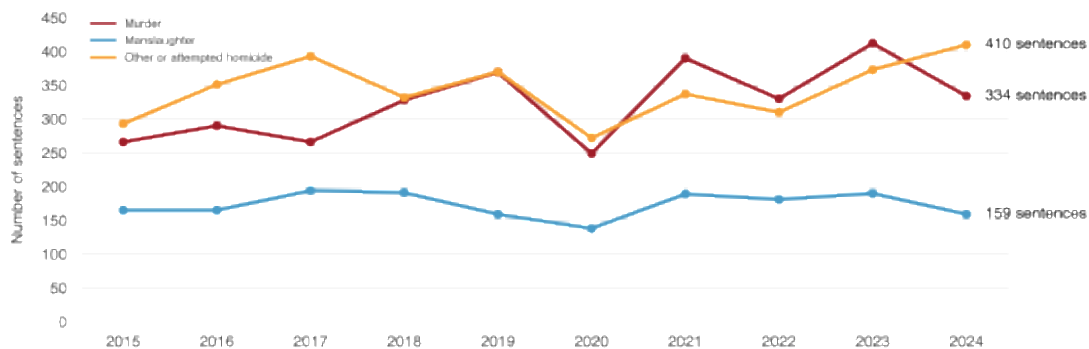
- The number of sentences handed down for murder has risen slowly in the last decade, while manslaughter sentences have remained steady. Sentences for other categories of homicide have risen sharply in the last two years.
- Average minimum terms for murder rose from 13 years in 2003 to 21 years in 2021. Changes in the Police, Crime, Sentencing and Courts Act 2022 are likely to inflate terms further.
- Lagged effects of Schedule 21 appear to be taking hold: people convicted of murder are spending longer in prison, yearly releases are declining, and while release rates by the Parole Board remain steady, fewer life sentenced prisoners are coming before it each year.
- The average sentence length for all forms of homicide other than murder is now 9.5 years, but this is slightly skewed upward by attempted murder, for which the average term is now 21 years.
- The average sentence length for manslaughter has increased by two years, and other categories of homicide by almost three years in the last decade.

- Sentences passed if the court deems the person to pose a risk of serious harm (including discretionary life) are rarely used for manslaughter or other homicide offences. In 2024, standard determinate sentences were used in 85% of cases (91% when attempted murder is excluded).
- More than a quarter (28%) of unreleased lifers are being held indefinitely on the basis of public protection, beyond their minimum term. In 2021, they had been held for an average of nine years and two months longer.
- There are serious inadequacies in published data that enables the tracking of minimum terms and 'back door sentencing' processes (what happens beyond conviction).

The number of homicide sentences

Aside from a dip during the pandemic, murder sentences have generally continued to rise in the last decade, fluctuating between three to four hundred per year. Conversely manslaughter sentences have remained rather steady. Other and attempted homicide sentences have been rising fairly consistently since the pandemic, overtaking murder in 2024.¹⁷

Figure 2: The number of homicide sentences given between 2015 and 2024



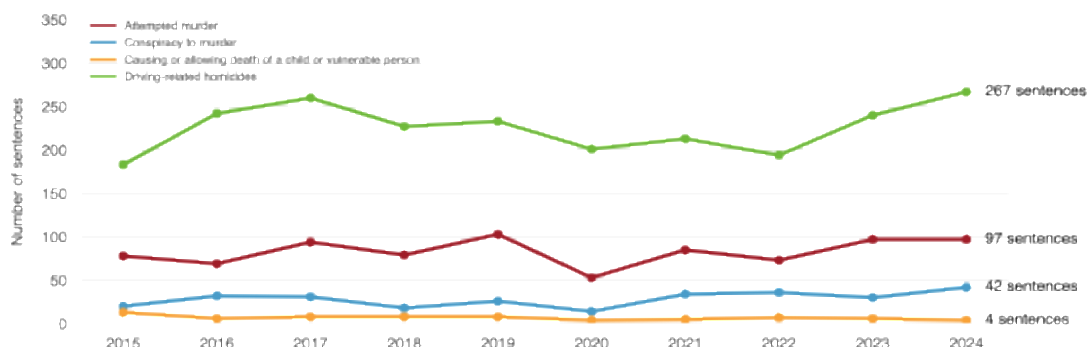
Source: Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

Figure 3 below indicates that the rise in sentences for other categories of homicide is most significantly influenced by driving related homicide sentences, which have risen by 46% in the last decade, but mostly in the last two years. Other categories see only a small number of sentences handed down each year. Between 2015 and 2024, the number of sentences for attempted murder rose from 78 sentences to 97 sentences; conspiracy to murder rose from 20 to 42, and causing or allowing the death of a child or vulnerable adult fell from 13 to four sentences.¹⁸

¹⁷ Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

¹⁸ Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

Figure 3: The number of sentences for other or attempted homicide between 2015 and 2024



Source: Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

The length of homicide sentences

Murder

Minimum term lengths for murder have risen dramatically since the Criminal Justice Act 2003 introduced Schedule 21. In *Making Sense of Sentencing*, the Commission pointed out:

“Previously, the higher starting point for murder was a minimum term of 16 years. At a stroke, in December 2003, this became either 30 years or whole life depending on the circumstances of the offence. The average length of a minimum term for murder increased from 12.5 years in 2003 to 21.3 years in 2016, an increase of 70 per cent.”¹⁹

More recent data indicates that in 2021, the average minimum term remained at 21 years, cautiously suggesting that this trend was levelling out.²⁰ However, legislative changes since then are likely to have continued to inflate the average term. Section 127 of the Police, Crime, Sentencing and Courts Act 2022 increased the starting point for a 17-year-old child convicted of murder with the highest level of culpability from 12 years to 27 years.²¹ The Sentencing Act 2020 (Amendment of Schedule 21) Regulations 2024 added two further aggravating factors to be considered when setting minimum terms in instances where the murder involved strangulation or occurred in the context of ending a relationship.²² Given the moral weight, practical impact and public interest in murder sentencing, it is highly problematic that data on minimum term lengths is not routinely published in official statistics, making it difficult to track their true trajectories, trends and effects.

The Sentencing Academy has noted that, unlike changes to determinate sentencing guidelines, which emerge from a deliberative and consultative process drawing on many sources, changes to Schedule 21 are enacted *“in haste and with minimal consultation”*. Schedule 21 also offers more discretion to judges, who must “have regard” but may depart from it more freely than other guidelines. This has resulted in

¹⁹ Independent Commission into the Experiences of Victims and Long-Term Prisoners (2022). *Making sense of sentencing: doing justice to both victim and prisoner*.

²⁰ House of Lords written question HL7261, 6 April 2022.

²¹ Police, Crime, Sentencing and Courts Act 2022, s127. <https://www.legislation.gov.uk/ukpga/2022/32/section/127>

²² Sentencing Act 2020 (Amendment of Schedule 21) Regulations 2024.

a complex set of aggravating/mitigating factors and starting points, achieved via a process that hardly respects the severity and gravity of murder.

There is evidence that the average time served in prison by people convicted of murder before their release has risen since Schedule 21 was introduced (though precisely because of its high starting points, we may not yet have observed its full effects):

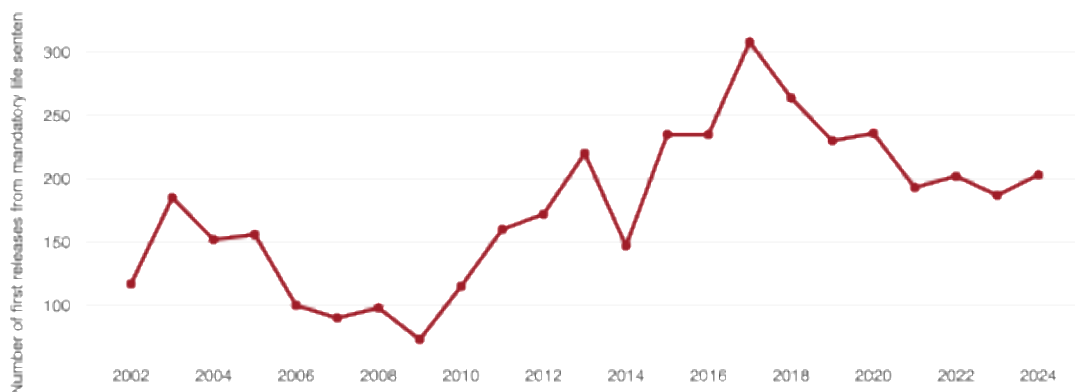
Figure 4: Average number of years served by people convicted of murder before release



Source: Ministry of Justice (2025). Offender management statistics quarterly: October to December 2024.

Trends in the number of first releases per year from mandatory life sentences also point towards the possibility of lagged effects from Schedule 21 taking hold. From 2017 there has been a clear drop in releases:

Figure 5: Number of first releases from a mandatory life sentence per year



Source: Ministry of Justice (2025). Offender management statistics quarterly: October to December 2024.

This trend could also be explained by parole decision-making (discussed in more detail in the ‘Back-door sentencing’ section); however release rates have remained very steady in the last decade.²³ The number of lifer cases (of all types) considered by the Parole Board each year has declined by almost a third (31%) since 2014/15;

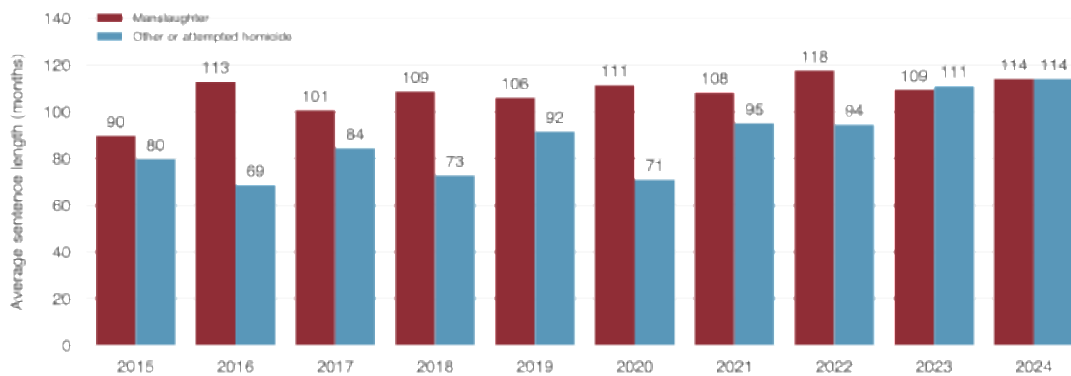
²³ The Parole Board for England and Wales (2025). *Annual report*.

suggesting simply that fewer people are coming before it. This drop in both releases and cases heard points to lagged effects of Schedule 21 resulting in fewer people being eligible for parole each year. However, data on eligibility (as distinct from whether they are actually processed) is not published, leaving a further critical gap in understanding the consequences of homicide sentencing.

Other forms of homicide

The Sentencing Academy has highlighted that the increase in the severity of sentencing for murder caused a knock-on effect for other closely associated offences — manslaughter and attempted murder — which increased in line with each other.²⁴ Figure 6 below demonstrates what has happened to sentence lengths for other homicide categories during the past decade.

Figure 6: Changes to average sentence lengths for manslaughter and other or attempted homicide



Source: Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

The average length of sentence for both categories has increased, but while manslaughter has increased by two years, other or attempted homicide has increased by almost three (34 months), particularly in the last two years.²⁵

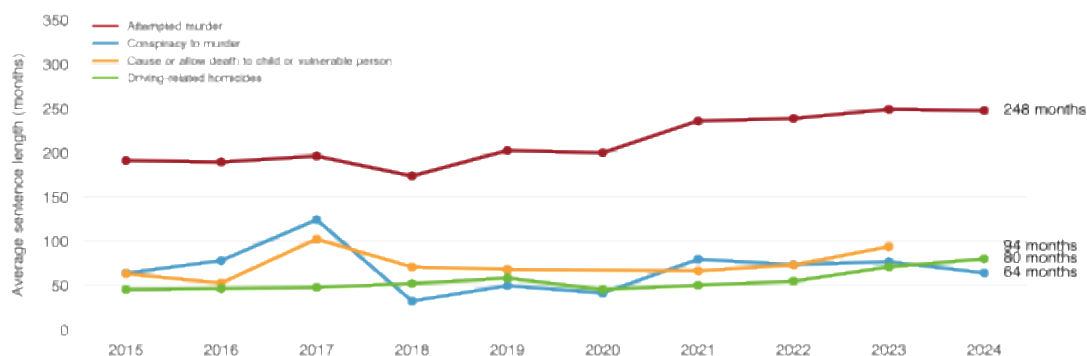
Different kinds of other/attempted homicide may be driving this upward trend more than others. On average, driving-related homicides make up two thirds (66%) of this category; attempted murder accounts for a further quarter (24%); and the remaining minority consist of conspiracy to commit murder (2%) and causing or allowing the death of a child or vulnerable person (8%).²⁶

²⁴ Martin, R. (2024). *Sentencing for murder: a review of policy and practice*. Sentencing Academy.

²⁵ Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

²⁶ Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*.

Figure 7: Changes to average sentence lengths for categories of other or attempted homicide offences



Source: Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

Driving-related homicides had the highest growth rate, with sentence lengths almost doubling in length from 45 months to 80 months since 2015, and rising by 25 months in the last two years alone.

Sentences for attempted murder have risen by 57 months (almost 5 years), from an already high average. Conspiracy to murder has overall remained steady (aside from a spike in 2017), with a slight reduction since the pandemic. Causing death of a child or vulnerable person is only handed down to around seven people each year on average, making trends difficult to determine.

Discretionary life and other public protection sentences

A crucial element of the three-tier model is that it makes the life sentence discretionary rather than mandatory for second-degree murder. As Appleton (2010)²⁷ observes, the discretionary life sentence serves multiple purposes: it functions as both a symbolic and retributive expression of offence seriousness, while remaining fundamentally focused on public protection. To impose such a sentence, there must be not only a serious offence but also a risk of future harm.

Under current law, a discretionary life sentence must be imposed where:²⁸

- the offence falls within Schedule 19 (which includes manslaughter, attempted murder, and conspiracy to murder)
- the court concludes that the offender poses a significant risk to members of the public of serious harm through further specified offences
- the court considers that the seriousness of the offence, taken alone or together with associated offences, justifies a life sentence.

Since 2022, this discretion has been narrowed in cases of manslaughter of an emergency worker. For offenders aged 16 or over, a life sentence must be imposed unless the court finds clear justification not to do so.²⁹ Otherwise, the legal framework governing discretionary life sentences for children, young adults (18–20), and adults

²⁷ Appleton, C. (2010). *Life after life imprisonment*. Oxford University Press.

²⁸ *Sentencing Act (2020)*, s 285.

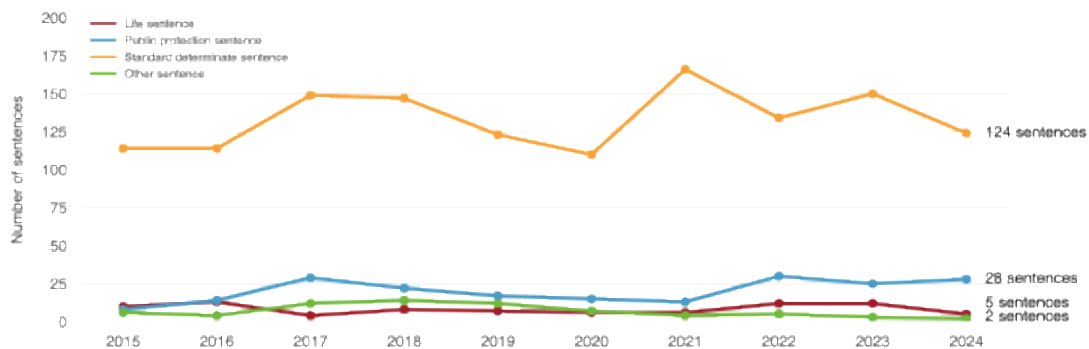
²⁹ *Police, Crime, Sentencing and Courts Act 2022*, s127.

(21 and over) remains almost identical, subject to the general sentencing guidelines applicable to each age group.

The year 2015 marked an important development in the broader framework of public protection sentencing. Following the abolition of the Imprisonment for Public Protection (IPP) sentence in 2012, the Criminal Justice and Courts Act 2015 introduced key reforms to the Extended Determinate Sentence (EDS). The imposition of this sentence is based in part on assessments of future risk and incorporate public-protection mechanisms such as discretionary release by the Parole Board and extended periods on licence.

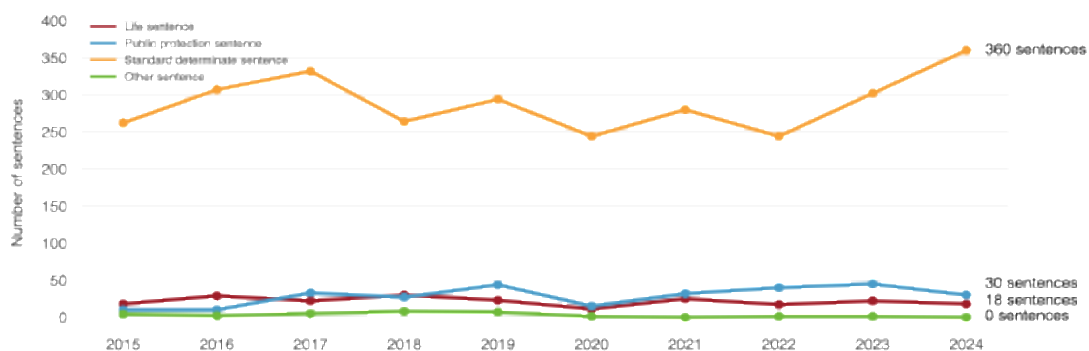
The use of public-protection sentences represents an additional dimension of sentencing severity. It is therefore essential to consider how the introduction of the three-tier model might influence the application of these sentences in homicide cases.

Figure 8: Types of sentence given for manslaughter³⁰



Source: Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

Figure 9: Types of sentence given for other or attempted homicide



Source: Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

³⁰ A note on sentence categorisation data which produces marginal errors for Figures 8 and 9: Separate statistical data on the use of discretionary life sentences are not routinely published, and the 'life sentence' therefore includes both discretionary and automatic life. Ad-hoc data suggests that the automatic life sentence—available in its current form since 2012—is rarely used, with only around three handed down per year. The 'public protection sentence' category is predominantly composed of EDS, but includes a small number serving a Sentence for Offenders of Particular Concern (SOPC). This may be an error as SOPC is not available for homicide offences. 'Other sentences' included a very small number of non-life custodial sentences handed down to children for homicide offence.

This analysis makes it apparent that life and public protection sentences are in fact rarely used for forms of homicide other than murder. Of the 159 sentences given for manslaughter in 2024, only five were discretionary life sentences (3%), and only 28 were determinate public protection sentences (17%). The majority (78%) were standard determinate sentences.

The same pattern is true of other homicide categories, though with slightly higher use of life and public protection sentences for attempted murder, and lower use for others. Of the 97 total sentences for attempted murder, 55 were standard determinate sentences (57%); 27 were public protection sentences (28%) and 15 were discretionary life sentences (15%). Of the 311 sentences for other forms of homicide, 98% were standard determinate sentences.

In terms of how sentence types are distributed across offences, though most of the standard determinate sentences in Figure 8 were given for driving related homicides (73%), more than a quarter were for other forms. Where they are used, life and public protection sentences are reserved predominantly for attempted murder (88%).³¹

Back-door sentencing: conditional release and recall

Padfield (2005)³² has long warned of the effects of “back door sentencing”: the post-conviction stages of a sentence that are often neglected but can have profound consequences for both individuals and the penal system. There are important implications for the three-tier model in this regard, particularly the use of conditional release on parole, and recall to custody.

Parole trends for life-sentenced prisoners

An important feature of homicide sentencing post-conviction is that sentence management depends more on sentence type than on the index offence. In practice, there is very little distinction in how the system manages mandatory, discretionary, and automatic lifers. Legally, the sentence type may signal a difference in seriousness, but administratively the management processes are largely identical.

Almost all life-sentenced prisoners³³ become eligible for parole after serving their minimum term and, if refused, are reconsidered every two years thereafter. They may also be recommended for a progressive move to open conditions if release is not directed. The Bishop’s Commission,³⁴ PRT’s Building Futures programme,³⁵ as well as qualitative studies of prisoners’ experiences³⁶ reveals a set of persistent problems with securing parole:

³¹ Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*. And previous editions.

³² Padfield, N. (2005). “Back door sentencing”: is recall to prison a penal process? *The Cambridge Law Journal*, 64(2), 276-279.

³³ With the exception of the small number given a Whole Life Order.

³⁴ Independent Commission into the Experiences of Victims and Long-Term Prisoners (2022). *Making sense of sentencing: doing justice to both victim and prisoner*.

³⁵ Jarman, B., & Vince, C. (2022). *Making progress? What progression means for people serving the longest sentences*. Prison Reform Trust.

³⁶ Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment & Society*, 13(5), 509–529.

- Delays and adjournments, leaving many prisoners waiting well beyond their eligibility date.
- Poor sentence management, with some prisoners unable to complete sentence plan targets in time for review.
- For prisoners with very lengthy minimum terms, interventions can be poorly timed: either taking place early when they are still adjusting to their sentence, or late, many years after the offence, and they struggle with the system treating them as the person they were a decade ago.
- Difficulties understanding or challenging the risk assessments used to evaluate progress.
- As a result, many prisoners serve years beyond their minimum term, effectively detained indefinitely on public protection grounds.

On average, the Parole Board directs release for around 38% of life-sentenced prisoners who reach an oral hearing each year. In 2024–25, one in five oral hearings (for all sentence types) was deferred or adjourned.³⁷ The combined impact is clear: as of 30 June 2025, more than a quarter (28%) of unreleased lifers were beyond their minimum term.³⁸ While detailed data on the time served beyond this point are not routinely published, snapshot figures from 2021 show that this group had served an average of nine years and two months longer than their minimum term.³⁹

In 2024, mandatory lifers had served an average of 19 years in custody at the point of release, compared with 22 years for discretionary and automatic lifers. The difference between these groups has changed markedly in recent years. In 2002, released mandatory lifers had served an average of 14 years, while other lifers had served nine. The increase has therefore been far steeper for the latter group.⁴⁰

The greater length of time served by other lifers is also concerning, given that ad-hoc data from 2016–20 cautiously points to shorter minimum terms for discretionary lifers (15 years on average) than mandatory lifers (21 years),⁴¹ suggesting the former may be spending proportionally more time in custody beyond their minimum term. However, more complete data is needed to verify this. Combining discretionary and automatic life is also problematic: the automatic life sentence has its own history, with some limited evidence suggesting that those serving it may become particularly “stuck” in the system.⁴²

It is therefore difficult to attribute unequal post-conviction outcomes specifically to discretionary life, but the issue warrants closer attention. If discretionary life sentences become more common for second-degree murder, it will be important to understand whether their public protection focus—and potentially more complex risk profiles of those serving them—make progression through the system more difficult, or something else about the sentence itself.

³⁷ The Parole Board for England and Wales (2025). *Annual report*.

³⁸ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

³⁹ *House of Lords written question HL3923, 24 November 2021*.

⁴⁰ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

⁴¹ *House of Lords written question HL4937, 29 December 2021*.

⁴² *House of Commons written question 252, 15 November 2023*.

Parole processes and challenges are not confined to lifers. People serving public protection sentences also become eligible for parole after two-thirds of their custodial term, though they are automatically released at the end of the full term if not released earlier. The Commission may therefore wish to examine how proposed reforms will affect the number of people subject to parole-eligible sentences more generally.

Recall

Recall is another significant back-door sentencing process with implications for the three-tier model. The number of recalls among life-sentenced prisoners has risen by almost two-thirds (63%) between 2015 and 2025, compared with a 75% increase in total recall incidents.⁴³ Recall is widely recognised as a major driver of the growing prison population, a trend intensified by legislative changes that have expanded post-custody licence periods. Notably, three-quarters (76%) of recalls do not involve a new criminal charge but result from non-compliance with licence conditions.⁴⁴ The Parole Board also determines whether to re-release recalled prisoners, with re-release rates of 56% for determinate sentences and 72% for lifers.⁴⁵

The three-tier model and back door sentencing

Because the criteria for imposing different sentence types under the proposed three-tier model are not yet clear, it is difficult to predict how people convicted of second-degree murder might be distributed across them. From a prison population perspective, if the model results in people who would previously have received mandatory life being sentenced to a lesser alternative, the impact may be limited—given the administrative similarity between different life and public protection sentences—or even mildly positive if more standard determinate sentences are used.

Although such a shift might seem unlikely for murder, people convicted of it present with heterogeneous risk and need profiles⁴⁶ that may exclude a certain number from the public protection criteria currently embedded in the discretionary life sentence and extended determinate sentence. People convicted of murder often describe being excluded from interventions because they do not meet the defined risk and need suitability threshold.^{47,48} This is unsurprising given that the mandatory life sentence is imposed on the basis of offence alone, whereas the broader architecture that has developed around sentence progression is based on more holistic assessments of risk and need.

Conversely, if people currently convicted of manslaughter are instead sentenced for second-degree murder—and particularly if a decision is made to impose discretionary life on the basis of the offence alone—this could draw in a group that currently receives standard determinate terms, thereby exacerbating existing pressures and inflating sentences.

⁴³ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

⁴⁴ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

⁴⁵ The Parole Board for England and Wales (2025). *Annual report*.

⁴⁶ Liem, M. (2013). Homicide offender recidivism: a review of the literature. *Aggression and Violent Behavior, 18* (1), 19-25.

⁴⁷ Jarman, B., & Vince, C. (2022). *Making progress? What progression means for people serving the longest sentences*. Prison Reform Trust.

⁴⁸ Crewe, B. & Levins, A. (2020). 'Tightness', recognition and penal power. *Punishment & Society, 23*(1), 47-68.

At present, it is not possible to determine which of these effects would prevail as much depends on the sentencing criteria, and not enough is known about current prisoners, their sentences and—crucially—the offences circumstances that may contain partial defences. It is absolutely crucial that the impact of proposed reforms on back door sentencing is examined carefully.

Implications of the quantitative evidence for the three-tier model

By combining information on both the prison population and the sentencing trends operating upon it, it is possible to make some cautious conclusions which should be taken into account when assessing the effects of the three-tier model:

- The prison population serving sentences for all categories of homicide is increasing, but the increase for manslaughter and other homicides have been steeper than for murder.
- Increases of people serving for murder and manslaughter appear driven in recent years more by increases in lengthy terms than number of sentences given.
- Other categories of homicide appear driven by both level of use and sentence inflation, particularly driving-related homicides and attempted murder.
- Categories of homicide other than murder are frequently not given a public protection disposal. Use of public protection sentences -including discretionary life-remains relatively restrained, implying that sentencers frequently do not consider there to be a high risk of future harm.
- One of the problems the three-tier model proposes to address is that the definition of manslaughter is too wide. The implication of this is that, under the new model, fewer people would be convicted for manslaughter and instead convicted of second-degree murder. This would increase the prison population serving murder sentences and reduce those serving manslaughter sentences. The effect may be to uplift some people to a more severe sentence, either longer in length, or a life sentence, both of which would result in people spending longer in prison.
- The converse effect of making a life sentence for second degree murder discretionary rather than mandatory is that the mandatory life sentenced population may reduce. For sentence progression purposes, mandatory and discretionary life sentences are handled in a similar manner, and any meaningful change will therefore be dependent on the minimum terms given. Some people may also be given lengthy determinate terms instead.
- Much will depend on the criteria for imposition of the discretionary life sentence. Under the two-tier model it appears relatively rarely used, possibly because the sentence threshold of a high risk of serious future harm is not met. If this criteria is not present for second-degree murder, there could be severe unintended consequences in further inflating the lifer population; perpetuating the issues of back door sentencing.
- However, much sentence-relevant information is lacking about the population currently imprisoned for homicide (in terms if, for example, partial defences that may apply) to be able to say with certainty whether its net effect would be inflation or deflation. However, previous major changes at the more severe

end of sentencing suggest that great care needs to be taken to avoid a drag net effect.

- More investigation should be undertaken using a sample of real cases, to understand whether the overall effect of the three-tier model would be inflationary or deflationary.
- The most straightforward way of preserving the role and purpose of the discretionary life sentence and avoid the risks outlined above, is to impose discretionary life only under the current criteria where the serious risk of harm threshold is met.

A qualitative overview

Key points:

- People convicted of murder think about culpability in ways that reflect, but also extend beyond, the three-tier model, into 'fair labelling' factors.
- The burgeoning length of homicide sentences causes them to inflict suffering, but obstruct meaningful punishment.
- Tinkering with minimum term lengths is unlikely to generally deter; and any individual deterrent effects are likely to be eclipsed by the passage of time and maturation on long sentences.
- There is a well-evidenced set of problems with sentence progression that interfere with rehabilitative aims. The laws that govern homicide sentences post-conviction could be examined as a method of tackling these.
- Any reforms should be thoroughly examined for their impact on public protection processes, including parole decision-making.

In recent years a body of evidence has emerged on how serving prisoners make sense of their offences and their sentences, and the impact of that sensemaking for their progression. This evidence is particularly detailed for prisoners convicted of murder. Far from being passive recipients of the prison regime, long-sentenced prisoners are now understood as active agents in their own progression, redemption, and desistance—despite the significant constraints they face.

There is, therefore, a logical sequence linking the offence, the sentence, the person's sense-making process, their progress through the system, and ultimately the extent to which sentencing purposes are fulfilled. Empirical insight into prisoners' experiences is crucial to understanding how legislative change might play out in practice. In this section, we examine homicide sentences from prisoners' perspectives, and consider the implications of these for the three-tier model; particularly in regard to fulfilling sentencing purposes.

How people convicted of murder think about culpability

Evidence consistently shows that people convicted of murder view their culpability in far more nuanced ways than as a single criminal act. Studies of prisoners serving mandatory life sentences highlight the central roles of shame, remorse, and redemption.^{49,50} Crewe (2017, p.530), through interviews with 146 people convicted of murder,⁵¹ noted that "most interviewees who were not disputing their guilt were highly remorseful about what they had done, and expressed disgust and bewilderment that they had been capable of this crime."⁵²

Yet these moral sentiments are not shared equally among all prisoners. Jarman (2020),⁵³ in interviews with men convicted of murder, found that those who

⁴⁹ Irwin, J. (2009). *Lifers: seeking redemption in prison*. Routledge.

⁵⁰ Schinkel, M. (2014). *Being imprisoned: punishment, adaptation and desistance*. Macmillan.

⁵¹ The interviewees were at the more severe end of murder sentencing, having all received minimum terms of 15 years or more, while aged 25 or younger.

⁵² Crewe, B, Hulley, S., and Wright, S. (2017). Swimming with the tide: adapting to long-term imprisonment. *Justice Quarterly* 34(3):517–41.

⁵³ Jarman, B. (2020). Only one way to swim The offence and the life course in accounts of adaptation to life imprisonment. *The British Journal of Criminology*, 60 (6), 1460-1479.

experienced the deepest anguish, shame, and spoke of “interior” faults rather than “extenuating circumstances” tended to include those who had impulsively attacked strangers under the perceived pretext of “disrespect,” and those who had killed intimate partners or family members. These men regarded their crimes as deeply dishonourable, judged themselves harshly, and often struggled to imagine any redemptive path forward.

In contrast, Jarman identified another group who “questioned blame and managed shame” (p. 15). Many in this group accepted the wrongfulness of their actions but did not view their conduct as meriting the full moral and legal weight of a murder conviction. They invoked recklessness, a situation “gone wrong”, social adversity, or the influence of broader criminal environments to explain their behaviour. Their moral reasoning often reflected a wider life context:

“I was just lost in the world, I had no one to show me the right way [...] I grew up in care, and [...] I was just looking up to drug dealers [...] and gang bangers [...] I was just volatile, impulsive, and just not a good person.” (p. 11)

These men acknowledged the wrongfulness of their acts while maintaining a belief in their capacity for moral renewal through reflection, learning, and personal growth.

This submission makes no normative claims about prisoners’ moral appraisals. However, the presence of a spectrum of moral reasoning demonstrates that the concept of “degrees” of murder resonates with those convicted, and reflecting on the legitimacy of their sentence is a core process for many serving mandatory life terms. These reflections echo, though extend beyond, the distinctions proposed in the new three-tier framework. Men who most fully accept blame and shame tend to cite fewer mitigating or partial-defence factors. Yet across this moral spectrum, it is clear that the single category “murder” fails to capture the range of moral self-assessments among prisoners.

However, the precise moral content that distinguishes between degrees of murder appears more complex for prisoners than the proposed three-tier structure allows for. The distinction between first and second degree murder is predominantly about intention to kill; the combination between intended amount of injury and awareness of fatal risk; and the presence of partial defences. Studies of prisoners’ moral relationship to their offences cover all of this ground, but also extend to motive, victim and background factors that paragraph 2.18 of the call for evidence describes as fair labelling factors.

Do homicide sentences achieve the purposes of sentencing?

Achieving a universally acceptable moral framework that captures the nuances described above without creating much additional complexity would, admittedly, be extremely challenging. The remainder of this section therefore turns to the purposes of sentencing, considering whether the evidence suggests these purposes are achieved by homicide sentences. In *Making Sense of Sentencing*,⁵⁴ the Commission concluded that:

⁵⁴ Independent Commission into the Experiences of Victims and Long-Term Prisoners (2022). *Making sense of sentencing: doing justice to both victim and prisoner*.

“the punishment of offenders: while in practice this aim always comes first, it should not exclude other aims. Its importance does not justify stepping beyond what is necessary for a retributive punishment or prioritising punishment at the expense of all the other purposes of sentencing.” (p.6)

Below, we consider various dimensions of the evidence as they pertain to the purposes of sentencing for homicide.

The punishment of offenders

Murder sentences involve a minimum term determined by the court, which must be served in full regardless of behaviour or progress: it is retributive. How prisoners experience this punishment depends heavily on how they interpret their culpability, as well as aged and gendered effects.

As discussed above, prisoners differ in how they assess their moral blameworthiness. Those who feel their culpability is lower than the sentence length suggests often perceive their punishment as disproportionate, intensifying their sense of injustice, poor coping and distress.⁵⁵ The minimum term is intended to reflect society’s condemnation of their conduct. Yet when offenders perceive partial defences or mitigating circumstances that the sentence does not recognise, this censure can feel misdirected. The result is often a deeper, more corrosive experience of punishment, and a weakening rather than strengthening of its censoriousness. The Bishop’s Commission commented, in regard to what prisoners told them:

“These experiences are, of course, part of what punishment aims for, as a means to communicate that someone has done wrong. However, the difference between what we were told by prisoners who accepted their guilt, versus those who disputed it, was striking. Illegitimacy, and indeterminacy or extremity in the length of the sentence, appeared particularly difficult to come to terms with.”⁵⁶

Evidence from those serving sentences now considered unjust—such as people serving IPP sentences—shows how misrecognition and perceived unfairness can compound punitiveness.⁵⁷ By more closely aligning punishment with culpability, a three-tier structure could enhance proportionality and strengthen the legitimacy of murder sentencing.

Age at sentencing also shapes the experience of punishment. People sentenced to lengthy minimum terms late in life—those unlikely to survive to release—experience a qualitatively different punishment from younger prisoners. For them, justifications that emphasise rehabilitation and personal growth can seem hollow. With little realistic prospect of release, punishment becomes the dominant purpose of the

⁵⁵ Independent Commission into the Experiences of Victims and Long-Term Prisoners (2022). *Making sense of sentencing: doing justice to both victim and prisoner.*

⁵⁶ Independent Commission into the Experiences of Victims and Long-Term Prisoners (2022). *Making sense of sentencing: doing justice to both victim and prisoner.*

⁵⁷ UNGRIPP (2021). *Written evidence submitted to the Justice Select Committee inquiry into mental health in prison.*

sentence, while other aims such as deterrence, protection, and rehabilitation lose relevance.^{58,59,60}

For younger prisoners, the punishment takes a different form. Many describe “temporal vertigo” when confronted with a minimum term longer than they have been alive. They experience acute grief for lost potential and relationships.⁶¹ Yet because younger prisoners can—eventually— envisage a life after release, rehabilitative goals retain some meaning, and punishment is more likely to coexist with other sentencing purposes.

For women, the sentence can have distinct gendered effects—particularly curtailing or eliminating opportunities to have children. In our “Invisible Women” consultations with women serving very lengthy sentences, the impact of long sentences on fertility is frequently raised as a gendered punishment.^{62,63} Women’s homicide offences are also especially likely to have taken place in the context of social and familial adversity, and domestic abuse, which will shape their perceptions of culpability, and in turn the pain of punishment, particularly its perceived illegitimacy for abuse survivors.

Altogether, while life sentences effectively inflict *suffering*, the lengthy minimum terms endured today actively obstruct the moral reflection that is desired from *punishment*. This review presents an opportunity to meaningfully reset the purpose and effectiveness of punishment for homicide through recognition of the empirical evidence base on this matter.⁶⁴ In particular, it offers an opportunity to recognise that punishment for murder is not experienced equally, and assessment of proportionality must have due regard for the evidence on its aged and gendered effects.

Reduction in crime (including its reduction by deterrence)

There is little evidence that prison sentences themselves reduce crime through deterrence, or that longer and more severe sentences are more effective in doing so. The relationship between crime rates and imprisonment varies greatly across jurisdictions.^{65,66} Theories of deterrence often overestimate people’s capacity to make offending decisions as calm, rational actors. It is now better understood that people operate within a form of bounded rationality, in which offence-related motivations, emotions, and reasoning make internal sense that does not necessarily align with the ‘logic’ of sanctions. Deterrence is influenced far more by the perceived certainty of being caught than by the severity of punishment, as well as by situational factors and

⁵⁸ Jarman, B., & Vince, C. (2022). *Making progress? What progression means for people serving the longest sentences*. Prison Reform Trust.

⁵⁹ Price, J. (2024). *Growing old and dying inside: improving the experiences of older people serving long prison sentences*. Prison Reform Trust.

⁶⁰ HMP Rye Hill Building Futures Network Group (2024). *Who cares? A consultation on ageing and lost milestones in prison*. Prison Reform Trust.

⁶¹ Crewe, B., Hulley, S. & Wright, S. (2020). *Life imprisonment from young adulthood: adaptation, identity and time*. Palgrave Macmillan.

⁶² Vince, C. & Evison, E. (2023). *Invisible women: Hope, health and staff-prisoner relationships*. Prison Reform Trust.

⁶³ Vince, C. & Evison, E. (2024). *Invisible women: progression*. Prison Reform Trust.

⁶⁴ We are aware that Dr Ben Jarman is addressing this point more substantively in his submission, drawing on a large study of men serving life sentences for murder.

⁶⁵ National Audit Office (2012). *Comparing international criminal justice systems*.

⁶⁶ Lappi-Seppälä, T. (2015). *Why some countries cope with lesser use of imprisonment*. University of Helsinki.

awareness of sanctions—whether direct or through peers. Perceptions of risk are also heavily shaped by age and maturity.^{67,68}

When it comes to especially lengthy sentences for homicide, deterrence theory encounters particular difficulties. While most people can readily grasp the difference between, for example, a two- and five-year sentence, the difference between 30 and 35 years is much harder to meaningfully comprehend once the starting point is already high. Although such changes make a real difference to time served, they are unlikely to deter offending in the moment—especially for children and young adults, who perceive long periods of time differently. Moreover, homicide is a relatively rare and often isolated act, meaning individuals are less likely to see law changes as personally relevant or directly observe their effects: both empirically evidenced factors underpinning where deterrence can be more effective.

These issues relate primarily to general deterrence. In terms of specific deterrence, the length, complexity, and variability of custodial experience—combined with ageing and maturation—make it difficult to isolate any deterrent effect of sentence length. A comparative Finnish study of post-release outcomes for people convicted of homicide, attempted homicide, and aggravated assault found no significant differences in reoffending, employment, or education engagement. While those convicted of homicide initially showed lower reoffending and higher engagement, these differences disappeared after controlling for pre-conviction characteristics, suggesting limited sentencing impact.⁶⁹

Nevertheless, reoffending rates among people serving mandatory life sentences remain low. In the year to March 2023, the reoffending rate for this group was 0.8%, compared to 44% for all custodial sentences and 23% for those convicted of violent offences. For other life sentences, the rate was 10%, though it is unclear how many received their sentence for homicide.⁷⁰ This suggests that among people convicted of murder, the need for additional specific deterrence is relatively low, and lengthy terms may well be keeping people in prison long beyond what is necessary to deter.

However, we are not aware of any studies where the question of whether their sentence deterred them has been directly posed to people convicted of homicide—both those who are successfully desisting and those who did not. Given that, when consulted, prisoners offer immensely valuable understanding of the effects of sentencing, there is likely to be benefit from further dialogue on this point.

The reform and rehabilitation of offenders

Studies of progression through long sentences reveal recurring challenges relevant to the rehabilitative aim of sentencing. Prisoners' perceptions of their sentence plans are crucial. When these plans are seen as supportive and proportionate, engagement feels more meaningful. But in our body of work consulting with long-serving prisoners on their progression experiences, many describe the opposite. In

⁶⁷ Apel, R. (2022). Sanctions, perceptions and crime. *Annual Review of Criminology*, 5(16), 1-23.

⁶⁸ Independent Commission into the Experiences of Victims and Long-Term Prisoners (2022). *Making sense of sentencing: doing justice to both victim and prisoner*.

⁶⁹ Suonpää, K. et al. (2023). Post-release outcomes of lethal and non-lethal offenders: recidivism and participation in employment or education. *Journal of Criminal Justice*, 88, 102108.

⁷⁰ Ministry of Justice (2025). *Proven reoffending statistics: January to March 2023*.

Making Progress?—a consultation with 61 prisoners serving long sentences⁷¹— they told us:

- Sentence plans misrepresent the causes of their offending.
- Goals are imposed rather than co-produced.
- Only formal, system-defined forms of progress are recognised.
- Long periods of incarceration create “dead time” without meaningful opportunities.

The phenomenon of “dead time”, also documented in subsequent Prison Reform Trust consultations,⁷² captures how the system struggles to fill the vast length of many sentences with meaningful activity. Even the full repertoire of progression opportunities—offending behaviour programmes, education, and therapeutic work—typically occupies only a small fraction of a long sentence. Core offending behaviour programmes last only months,⁷³ and even intensive therapeutic interventions rarely exceed three to five years, leaving many with a decade or more of unstructured time in their minimum term.

Some prisoners fill time through less formally recognised routes—education, vocational training, faith, or trusted roles within the prison—but such opportunities are limited, inconsistently available, and many prisoners describe how these often more personally prized forms of personal development are unrecognised and undervalued.

Dead time can also interact negatively with natural processes of maturation. It is well established that young adults continue to mature into their mid-twenties, and even older adults undergo considerable moral and psychological development over their lifecourse. But lengthening minimum terms mean many more prisoners may achieve substantial personal development long before their term expires, leaving prolonged years of stagnation and frustration.

This extended stasis carries operational as well as psychological costs. Facing an incomprehensibly long sentence over which they have little control, some prisoners disengage from the system entirely. When the prospect of release recedes into the distant future, the incentive to comply or invest in ‘a viable life’ weakens.⁷⁴ This can undermine order and safety, as individuals with “nothing to lose” may act on immediate impulses rather than future-oriented goals.⁷⁵ Some serious assaults on staff committed by very long-sentenced young prisoners may reflect this effect of excessive sentencing length, though empirical research on this is limited.

Murder sentences also sit at an awkwardly placed intersection between retributive and rehabilitative sentencing purposes. While some people convicted of murder have

⁷¹ Jarman, B., & Vince, C. (2022). *Making progress? What progression means for people serving the longest sentences*. Prison Reform Trust.

⁷² Price, J. (2024). *Growing old and dying inside: improving the experiences of older people serving long prison sentences*. Prison Reform Trust.

⁷³ At present, a medium intensity offending behaviour programme in custody runs for between just over 2 and just over 3 months, depending on how many sessions are delivered per week. A high intensity programme runs for between 4.5 and 6.5 months.

⁷⁴ Liebling, A. (2014). Moral and philosophical problems of long-term imprisonment. *Studies in Christian Ethics*, 27(3), 258-273.

⁷⁵ Independent Commission into the Experiences of Victims and Long-Term Prisoners (2022). *Making sense of sentencing: doing justice to both victim and prisoner*.

extensive criminal histories and psychosocial needs, others—particularly those whose offences arose from singular, situational events—do not fit the risk–need criteria of standard offending behaviour programmes.⁷⁶ The latter can find themselves with fewer recognised pathways for growth or change, leaving them uncertain how to demonstrate progress.^{77,78,79}

This problem highlights how the category of “murder” encompasses a wide variety of needs and experiences which are flattened by the blunt instrument of the mandatory life sentence. This leaves the system uncertain what to do with people serving the heaviest sentence, without necessarily posing the most serious risk or presenting the highest level of need. Whether the introduction of first- and second-degree distinctions would directly improve the alignment between sentences and needs is unclear, but greater differentiation could present the opportunity to develop more responsive systems of progression and rehabilitation.

Culpability also affects quality of engagement with rehabilitative programmes. Those who feel deep shame and moral responsibility often engage for normative reasons—to atone, make sense of their past, and rebuild their moral selves. This alignment between inner motivation and sentence purpose fits well with the moral gravity of a mandatory life term.

Conversely, prisoners who perceive a disconnect between their culpability and the system’s judgement often struggle with the demand for total self-reinvention. For them, engagement becomes more instrumental: they comply to achieve progression, while pursuing more personal, private forms of self-development.

This management of shame matters beyond immediate engagement, and can also substantively affect desistance pathways.⁸⁰ Historically, moral dialogue about offences that invokes neutralisations or justifications has been seen as an indicator of risk, when actually there is evidence they can correlate with future desistance and represent nuanced interior reflection.⁸¹ For example, people convicted of joint enterprise can struggle greatly with interventions that frame them as a fundamentally violent person.

In conclusion, a person’s reformatory passage through a homicide sentence is fundamentally affected by not only the own perceptions of their offence, but the system’s. A second-degree murder category could allow for more flexible, individualised expectations, improve alignment between self-perceived and system-assessed culpability, and foster more normative engagement with rehabilitation. It could also open up the possibility of minimum terms more proportionate to the trajectories of maturation, personal development and level of need.

⁷⁶ Liem, M. (2013). Homicide offender recidivism: a review of the literature. *Aggression and Violent Behavior*, 18 (1), 19-25.

⁷⁷ Jarman, B., & Vince, C. (2022). *Making progress? What progression means for people serving the longest sentences*. Prison Reform Trust.

⁷⁸ Crewe, B. & Levins, A. (2020). ‘Tightness’, recognition and penal power. *Punishment & Society*, 23(1), 47-68.

⁷⁹ HMP Rye Hill Building Futures Network Group (2023). *Progression within a prison: what does it mean and what does it look like?* Prison Reform Trust.

⁸⁰ F.-Dufour, I., & Brassard, R. (2014). The convert, the remorseful and the rescued: three different processes of desistance from crime. *Australian & New Zealand Journal of Criminology* 47(3), 313–35.

⁸¹ Maruna, S., and Mann, R. (2006). A fundamental attribution error? Rethinking cognitive distortions. *Legal and Criminological Psychology* 11(2), 155–77.

The protection of the public

The relationship between perceived culpability, sentence legitimacy, and quality of rehabilitative engagement all bear directly on public protection, in so far as rehabilitation aims to develop strong internal risk management capacities. Where engagement is authentic, risk reduction is more sustainable. Public protection therefore starts with the proportionality of the sentence imposed. While we have so far mainly discussed the experience of minimum terms, a great many people convicted of homicide are held indefinitely beyond their minimum term, on the basis of public protection.

A potential consequence of the three-tier model that should therefore be further examined is its impact on decision-making by the Parole Board. This has remained fairly invariant across a turbulent period of legislation, suggesting that Board members are using well-established rubrics that are not easily changed. However studies of parole decision-making have found that crime severity plays a role, with decision-makers exhibiting retributive concerns even when not formally part of decision-making criteria.⁸² This suggests that a formal change in distinction of culpability may affect release rates, though a study of parole in the Californian justice system which explicitly examined whether first or second degree murder exerted an influence on decision-making found no effects.⁸³ Nevertheless, the Parole Board should be carefully engaged on this point, and their pattern of decision-making carefully monitored if changes are made.

Prisoners being held indefinitely for public protection consistently state a shared set of perceptions of risk assessments that govern their continued detention: complex, opaque, difficult to understand, inconsistent, and risk-averse.^{84,85} This leads to a great deal of uncertainty and anxiety about how to progress, exerts pressure to 'perform' a certain kind of reformation, and reduces space for safe disclosure—ultimately undermining the very conditions for good risk management.⁸⁶ The assessment of risk is a complex area, and we encourage the Commission to consult [Appendix 2 of our submission to the Independent Sentencing Review](#)⁸⁷ for a full discussion of the issues it poses in parole-eligible sentences.

Risk assessment and management is absolutely integral to the back end of homicide sentences. It is embedded in opportunities for sentence progression; in the release test applied by the Parole Board; in management on licence; and in the test for recall to prison. But notably, the law is rather silent on prisoners' right to challenge risk-related judgements made about them. In short, there are other areas of law that govern homicide sentencing which the Commission may want to examine if it wishes to improve the post-conviction side of sentences.

⁸² Ruhland, E. (2020). Philosophies and decision-making in parole board members. *The Prison Journal*, 100(5), 640-661.

⁸³ Young, K. (2016). Predicting parole grants: an analysis of suitability hearings for California's lifer inmates. *Federal Sentencing Report*, 28(4), 268-277.

⁸⁴ Jarman, B., & Vince, C. (2022). *Making progress? What progression means for people serving the longest sentences*. Prison Reform Trust.

⁸⁵ Attrill, G., & Liell, G. (2007). Offenders' views on risk assessment. In N. Padfield (Ed.), *Who to release? Parole, fairness and criminal justice* (pp. 191-201). Willan.

⁸⁶ Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment & Society*, 13(5), 509–529.

⁸⁷ Prison Reform Trust (2024). *Response to the Independent Sentencing Review*.

The making of reparation by offenders

In *Making Sense of Sentencing*, the Commission comments that long sentences address reparation of harms:⁸⁸

“haphazardly and unsystematically in theory, but in practice hardly at all” (p.74)

It drew attention to the patchy and inconsistent availability of restorative justice programmes, coupled with the inbuilt difficulty of making reparations for more serious crimes. Nevertheless, evidence to the Commission demonstrated that prisoners frequently wish for more opportunities to make meaningful reparations, and it concluded that, while challenging and in need of careful boundaries and caveats, the system could make more room for meaningful reparations as a way of making punishment more effective.

In our experience, prisoners frequently attempt indirect reparations through helping others and performed trusted community roles in prison, with lifers often playing a key supporting role on their wing or in their prison. However, release from life sentences often fractures this identity and progression. Stigma, loneliness, social and economic difficulties and fear of recall all feature in the experiences of released life-sentenced prisoners; making the notion of reparation and reintegration a distant prospect for many.⁸⁹

Implications of the qualitative evidence for the three-tier model

- The way people in prison think about homicide, and homicide sentencing, aligns more with the proposed new model than the existing model.
- Broader evidence on desistance, as well as the relationship between legitimacy and compliance suggests that there are beneficial effects of a conviction/sentence aligning with a person’s own perception of their culpability. Evidence suggests it could facilitate adaptation, help to manage shame, and promote engagement.
- These in turn may help to better fulfil the purposes of sentencing, though a new structure alone will not address the broader communicative issues of punishment.
- There are some indicators that people on a discretionary life sentence have worse outcomes compared to mandatory life sentences. It is unclear why this is, but may be related to the public protection focus of discretionary life currently.
- Minimum terms fall short of multiple purposes of sentencing.
- A more coherent framework would take age, gender, and the actual experiences of punishment and progression into account.
- take into account the risks of excessively lengthy terms undermining the moral communication of punishment

⁸⁸ Independent Commission into the Experiences of Victims and Long-Term Prisoners (2022). *Making sense of sentencing: doing justice to both victim and prisoner*.

⁸⁹ Rennie, A. (2025). *Release from long-term imprisonment: understanding the experiences of people released from the longest sentences returning to the community*. Prison Reform Trust.

- consider the risks of lengthy terms undermining meaningful progress while in prison;
- take full account of the ways in which the passage of time inflicts punishment, sharpened by a feeling of disconnect between the offence and time served.
- Seek to improve the principle of proportionate retributive punishment in homicide sentencing
- Take full account of the aged and gendered effects of punishment in determining proportionality.

Distinct group features and trends

Key points:

- Women, young adults and racially minoritised groups (and people at the intersections of these characteristics) stand to benefit from the three-tier model's increased granularity in culpability.
- However, broader embedded discrimination against women and ethnic minorities in the justice system means that any reforms must guard carefully against the risks of discrimination.
- Punishment has aged and gendered effects.
- Recent legislative changes have worsened life sentences for children and weakened recognition of their age at sentencing.
- The number of 18-20 year-olds serving sentences for murder has risen by more than three quarters (78%) in the last decade: much faster than other groups.
- There is now a comprehensive evidence base on the distinct needs and experiences of young adults, but sentencing law does not reflect this.
- Although consistently representing around a third of murder sentences, the proportion of lifers from an ethnic minority background has risen from 27% in 2015 to 35% in 2025. This cautiously points to a disproportionate increase in minimum terms, but not enough information is published to determine the cause.

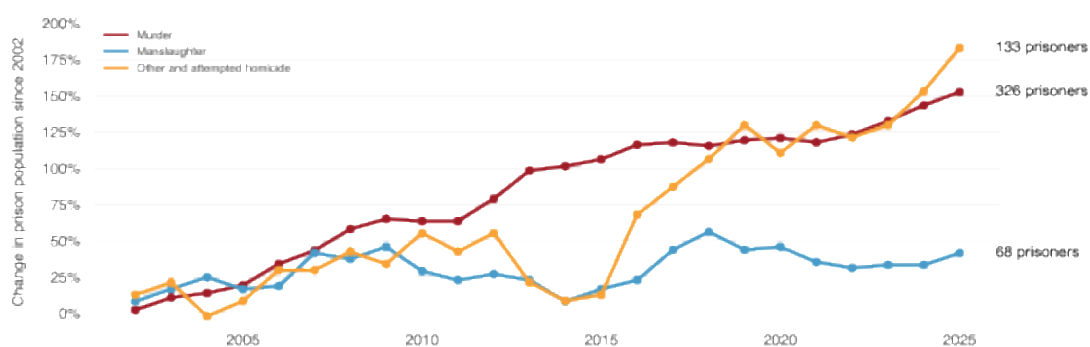
While the evidence outlined in the preceding sections will also apply to particular demographic groups; in this section we describe evidence that indicates distinct issues faced at the intersection of gender, age and ethnicity in homicide sentences. We conclude with what the implications of this evidence are for the three-tier model, particularly risks of discrimination that must be sufficiently addressed in any reforms.

Women

Trends in the women's prison population convicted of homicide look slightly different to the male population. While the trajectories for murder and other homicides have followed similar patterns, the number convicted of manslaughter has not risen as steeply. While the percentage increase in the population serving for other homicides over the last decade has been much steeper for women (122–151%) than men (36–59%), in real terms this represents an increase from 32–53 women in 2015 to 71–133 women in 2025, with the (statistically) small numbers making it somewhat difficult to ascertain if this trend is being particularly driven by women.⁹⁰

⁹⁰ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

Figure 10: The increase in women in prison convicted of homicide since 2002



Source: Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*.

In sentencing trends, the number of women convicted of homicide has remained relatively small and steady across the last decade, with a slightly higher number convicted of murder, attempted murder and conspiracy to murder in 2023, and driving-related homicides in 2024. Numbers are too small and the change too recent to determine if this is anything other than random fluctuation. However, across the last 10 years, women appear overrepresented in conspiracy to murder and causing the death of a child or vulnerable adult; comprising 24% (55 of 321 sentences) and 73% (29 of 40 sentences) of these offence categories respectively, while they form only 7% of all custodial sentences in the same period. Apart from for murder, women are almost never given life or extended determinate sentences for homicide.⁹¹

There are distinct issues that affect the sentencing of women for murder, and they stand to be disproportionately affected by the three-tier model depending on reform of partial defences and their relationship to the new tiers. Complicity, duress and self-defence are all particularly relevant to homicides committed in the context of domestic abuse and coercive control. There remains little quantitative evidence on sentencing trends for women convicted of killing their domestic abuser, but substantive qualitative evidence; including perpetrator accounts and legal case studies; point to some key conclusions:

- Women are rarely successful in claiming self-defence in domestic abuse cases where they violently resist their abuser.⁹²
- Yet wider research on domestic abuse, including coercive control, demonstrates that violent resistance can be a survival strategy for women at risk of violence (potentially lethal violence), particularly when other survival options are limited or unavailable.^{93,94}

⁹¹ Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*.

⁹² Howes, S., Swaine Williams, K. & Wistrich, H. (2021) Women who kill: why self-defence rarely works for women who kill their abuser. *Criminal Law Review*, 11, 945–957.

⁹³ Bettinson, V. & Wake, N. (2023). A new self-defence framework for domestic abuse survivors who use violent resistance in response. *Modern Law Review*, 87, 141-171.

⁹⁴ Centre for Women's Justice (2021). *Women who kill: How the state criminalises women we might otherwise be burying*.

- Convictions under the law of joint enterprise frequently fail to take account of context, where women have had only a marginal role in the offence,⁹⁵ and are often driven by domestic abuse and coercive control.⁹⁶

Women's post-conviction experiences also appear distinct from men. In a comprehensive study of 310 men and 23 women serving lengthy life sentences for murder given at a young age (in the case of women, the sample comprised 79% of all women serving such sentences at that time), Crewe et al (2017)⁹⁷ concluded that women reported an acutely more painful experience of long-term imprisonment than their male counterparts; with loss of family; autonomy; mental health; trust and privacy all being particularly salient. PRT's Invisible Women briefings—consultations and ongoing dialogue with women serving life or long sentences in prison—highlight punishment for murder introduces still further distinct dimensions for women:

- Women on long sentences report exceptionally high histories of trauma, which is often linked to their offending; and re-activated by the prison environment.⁹⁸
- The relative lack of women's prisons—and few that specialise in women serving long sentences—means that women are far more frequently moved further away from home, family, and children than men.⁹⁹
- Women's narrower window of biological fertility means that lengthy sentences add the additional punishment of not, or being unlikely to ever, have children.

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Collectively, this evidence suggests that women's experiences of punishment have additional dimensions that, while they may also be experienced by individual men, are perpetuated at a systemic level for women owing to poor understanding of the dynamics of domestic abuse, a system that does not account for biological differences in fertility, and administrative arrangements of the prison system that disadvantage women in where they serve their sentence. The three-tier model is an opportunity to formally incorporate recognition of domestic abuse into judgements of culpability, but this recognition alone will not change the gendered nature of punishment.

⁹⁵ Clarke, B. & Chadwick, K. (2020). *Stories of injustice: The criminalisation of women convicted under joint enterprise laws*. Manchester Metropolitan University.

⁹⁶ Hulley, S. (2021). Defending 'co-offending' women: recognising domestic abuse and coercive control in 'joint enterprise' cases involving women and their intimate partners. *The Howard Journal of Crime and Justice*, 60, 580-603.

⁹⁷ Crewe, B., Hulley, S. & Wright, S. (2017). The gendered pains of life imprisonment. *The British Journal of Criminology*, 57(6), 1359-1378.

⁹⁸ Vince, C. & Evison, E. (2021). *Invisible women: understanding women's experiences of long-term imprisonment*. Prison Reform Trust.

⁹⁹ Vince, C. & Evison, E. (2021). *Invisible women: understanding women's experiences of long-term imprisonment*. Prison Reform Trust.

¹⁰⁰ Vince, C. & Evison, E. (2023). *Invisible women: Hope, health and staff-prisoner relationships*. Prison Reform Trust.

Children

England and Wales is already a punitive outlier in Western Europe through its willingness to sentence children without a release date.¹⁰¹ Compounding this further, the Police, Crime and Sentencing Act 2022 increased the minimum terms for children convicted of murder. Rather than a shared set of starting points for all children, a sliding scale based on age is now used; under which a 17-year-old convicted of murder with a firearm must now be sentenced to a minimum of 27 years; a substantial increase from the previous starting point of 12 years.¹⁰² Janes & Hulley (2024)¹⁰³ argue that the impact of these changes in the coming years has been significantly overlooked. They note that empirical evidence on the experiences of children sentenced to life is limited, but the small amount available from boys serving life has found that:

- Children particularly struggle to comprehend the fairness and legitimacy of punishment through a life sentence.¹⁰⁴
- Children particularly struggle to process the offence itself.¹⁰⁵
- Children experience “extreme emotional turbulence” in the early stages of a life sentence, including night terrors, fear of the prison environment, “deep distress” at familial separation, and feelings of total abandonment.¹⁰⁶
- Children struggle to comprehend their future under a life sentence, with long stretches of time being especially incomprehensible at a young age.¹⁰⁷

It is our experience that the fact that a person was sentenced to life as a child can quickly become lost once they enter the adult prison estate, with recognition of their continuing maturation potential; and the adverse effects of imprisonment on their development both being inadequately accounted for within sentence management. It is especially hard to track children’s progress through their life sentences, as prison statistics do not record their distinctive life sentence (Detention at His Majesty’s Pleasure) nor their age at sentencing, making it impossible to determine how long they serve, or their success in securing parole. Their status as a child who received a life sentence is effectively erased once they legally become an adult.

In our work on the IPP sentence, we helped to secure recognition of DPP prisoners (people who received IPP as children), as a distinct group, accompanied by additional rights to timely reviews within shorter timeframes.^{108,109} For children convicted of murder however, such rights have only been eroded in recent years. In

¹⁰¹ Janes, L. & Hulley, S. (2024). Child lifers: developments in law and policy and the need for a distinct approach by criminal justice professionals. *The Prison Service Journal*, 275, 42-48.

¹⁰² *Sentencing Act 2020, Schedule 21*.

¹⁰³ Janes, L. & Hulley, S. (2024). Child lifers: developments in law and policy and the need for a distinct approach by criminal justice professionals. *The Prison Service Journal*, 275, 42-48.

¹⁰⁴ Thomas, H. and Sadie, C. (2022). “We are the walking dead”: Piloting group therapy for adolescent boys serving life sentences. *Prison Service Journal*, 261, 51-57

¹⁰⁵ Tynan, R. R. (2022). Living in the present, imagining a future: Children and young people navigating the mandatory life sentence. *Prison Service Journal*, 261, 27-32.

¹⁰⁶ Deegan, S. (2021). *Juvenile lifers: (Lethal) violence, incarceration and rehabilitation*. Routledge.

¹⁰⁷ Tynan, R. R. (2022). Living in the present, imagining a future: Children and young people navigating the mandatory life sentence. *Prison Service Journal*, 261, 27-32.

¹⁰⁸ *Victims and Prisoners Act 2024, s66(3)*.

¹⁰⁹ HM Prison & Probation Service (2025). *HMPPS annual report on the IPP sentence 2024/25*. HC 1155. HM Stationery Office.

particular, the PCSC Act 2022 also reduced the availability of mid-tariff reviews for children sentenced to life for murder. Prior to the Act, people who committed their offence as a child were entitled to a review of their progress halfway through their minimum term, with the possibility of having that term reduced in recognition of their progress. The Act restricted that availability only to people who were sentenced as children, such that anyone who turned 18 between offence and sentencing will no longer be eligible to have their minimum term reduced.¹¹⁰

It is now well recognised that maturation is a gradual process, which young people continue to undergo until at least the age of 25.¹¹¹ Removing the opportunity to have that maturation recognised owing to circumstances beyond their control is a particularly harsh enactment of unfair punishment on children, creating a substantial imbalance between the aims of sentencing. This review presents a real opportunity to return to first principles surrounding the sentencing of children (preventing offending; welfare of the child or young person; an individual rather than offence-focused approach; considering the effect of the sentence; consideration of maturity; avoiding criminalisation and alienation; the sensitivity of children to punishment and their receptivity to learning).¹¹² Any reforms to homicide law should carefully consider these principles, taking note of broader international evidence on the sentencing of children for murder, which highlights, for example, that several European jurisdictions ban the use of life sentences altogether.¹¹³

Young adults

In law, for sentencing purposes young adults are classed as 18–20 years old. However, there is now a robust body of evidence demonstrating that young people aged between 21 and at least 25 years old are still maturing and have a distinct set of needs.¹¹⁴ This is reflected in the choice by HMPPS, post-sentence, to define young adults as aged 18-25 inclusive. Here, we consider trends in both legal and evidence-based categories of young adulthood, but with the caveat that official data still only allows distinction of young adults aged 18-24.

It is difficult to track year-on-year prison population trends for young adults by offence category, and information on categories of homicide other than murder is unavailable. In Table 2 below, we have used snapshot data from 2001, 2015 and 2025 for comparative purposes.

¹¹⁰ *Police, Crime, Sentencing and Courts Act 2022, s128.*

¹¹¹ Buckland, G. (2025). *Working with young adults in contact with the criminal justice system.* Clinks.

¹¹² Sentencing Council (2017). *Sentencing for children and young people.*

¹¹³ van den Brink, Y. & Lynch, N. (2021). Beyond the life sentence—a children’s rights lens on sentencing for murder. *The International Journal of Children’s Rights*, 29(4), 972-1005.

¹¹⁴ Buckland, G. (2025). *Working with young adults in contact with the criminal justice system.* Clinks.

Table 2: The young adult prison population serving mandatory life sentences for murder

	2001	2015	2025	% change 2001–2015	% change 2015-2025
18-20	77	91	162	18%	78%
21-24	240	354	448	48%	27%
All young adults (aged 18-24)	317	445	610	40%	37%
All mandatory lifers (all ages)	3,448	5,288	5,957	53%	13%

Source: Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*. And previous editions

While the prison population serving mandatory life sentences has grown as a whole; young adults have taken different trajectories. The population grew more slowly than mandatory lifers as a whole between 2001-2015, with 18-20-year-olds showing an especially slow(er) rate of growth. That trend has reversed in the last decade, with the young adult population growing at a similar rate while the growth of mandatory lifers as a whole has slowed down somewhat. However, the 18-20-year-old population has shown an astonishing 78% increase in the last two years.¹¹⁵

It is also relevant to consider the use of discretionary life for young adults, given proposals for its use under the three-tier model. The number of people of all ages serving ‘other’ life sentences (discretionary and automatic)¹¹⁶ rose by 58% between 2001 and 2015, but has dropped by 28% in the ensuing decade. For young adults, the drop off was steeper: numbers dropped by a third between 2001 and 2015 and has remained small and steady since then. Only 39 young adults were serving this form of life sentence in 2025.¹¹⁷

These trends are likely to have been influenced by the introduction, discontinuation and reintroduction of automatic life. But even with this caveat, the figures suggest an increasing reluctance to impose discretionary life on young adults, whether for homicide or otherwise. Given the particularly acute changes in the number of young adults serving mandatory life, it is important to protect this apparent restraint and ensure young adults do not get swept upward into further discretionary life sentences, the risks of which have already been outlined.

Since 2017,¹¹⁸ the number of murder sentences handed down to young adults has grown by 18%, as opposed to a 26% increase in all murder sentences. The number handed to 18-20 year-olds has grown by 30% (from 37 to 48 sentences) and 21-24 year-olds by 10% (50 to 55 sentences). In real terms these are rather small changes. For other forms of homicide, young adults sentenced for manslaughter have declined more steeply (18%) than the decline seen in manslaughter sentences as a whole (4%), and increased less sharply in other homicide sentences (4%) than those

¹¹⁵ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*. And previous editions.

¹¹⁶ It is not possible to track discretionary and automatic life sentences separately in official statistics.

¹¹⁷ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*. And previous editions.

¹¹⁸ In sentencing statistics, improved age data is only available from 2017 onward.

sentences as a whole (40%).¹¹⁹ These trends collectively suggest that the burgeoning prison population may be driven by an increase in minimum terms and post-conviction factors more than sentencing.

The last decade has seen the development of a comprehensive evidence base on the distinct set of needs possessed by young adults in contact with the criminal justice system. These include:

- Lower maturity levels
- Higher incidence of neurodivergence and learning disabilities
- Vulnerability to peer influence
- Unstable and developing identities
- Lower self-sufficiency and independence
- Difficulty managing emotions and impulses
- Limited future orientation
- Increased resettlement challenges
- Different patterns of substance misuse
- Higher likelihood of being care leavers
- Increased representation of racially minoritised groups

Additionally, young adults face unique custodial challenges, such as transition into adult prisons, poorer relationships with staff, heightened feelings of insecurity, and increased involvement in violence, self-harm, use of force, and segregation.¹²⁰ Practitioners report growing challenges in managing this cohort, many of whom face sentences longer than they have been alive and see resettlement as a distant prospect. Young adults sentenced to long sentences experience intense feelings of their life being wasted,¹²¹ and the social capital of “life before prison” is something older prisoners in our Building Futures programme have noted as valuable for coping; but lacking for young long-termers.¹²² They have also reflected on what it means to spend most of life in prison; a deep form of detachment from society:

“I was 25 years old when I was sentenced, but I had spent a year on remand. I am 61 years old now. I had no children, no wife and very little life developed outside of my mum and dad’s life, and that of my relatives. By 61 all my relatives have died leaving no connection with the outside world pre-conviction.” (p. 23)

This evidence points to the crucial intersection of the lifecourse with the experience of punishment, as well as rehabilitation and resettlement. Lengthy sentences that consume the majority of the lifecourse appear to have especially damaging effects on development and the accumulation of social capital, which has very real consequences for eventual resettlement and integration. These intersecting effects should be considered at the sentencing stage for young adults. As with children, terms set in Schedule 21 should take adequate account of the effects of sentences

¹¹⁹ Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*.

¹²⁰ HM Inspectorate of Prisons (2021). *Outcomes for young adults in custody: a thematic review*. HMIP.

¹²¹ Crewe, B., Hulley, S., & Wright, S. (2019). *Experiencing long term imprisonment from young adulthood: identity, adaptation and penal legitimacy*. Ministry of Justice.

¹²² Price, J. (2024). *Growing old and dying inside: improving the experiences of older people serving long prison sentences*. Prison Reform Trust.

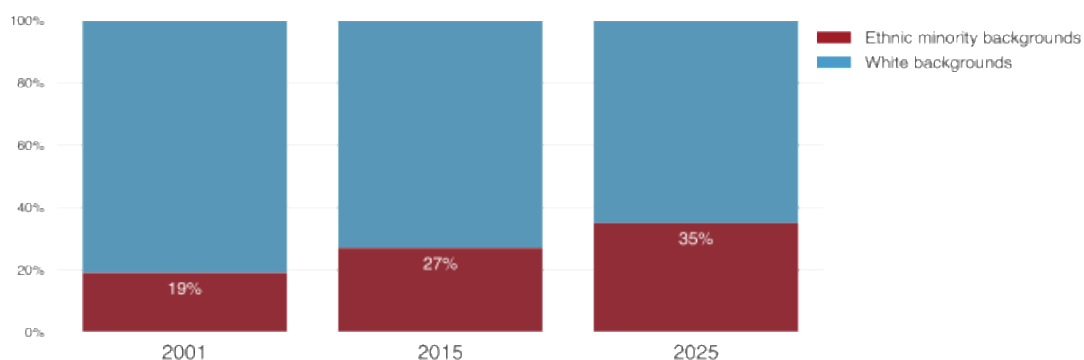
on young adults, and what is proportionate in achieving purposes of sentencing when set against their developmental stage and needs.

People from ethnic minority backgrounds

People from ethnic minority backgrounds receive longer sentences for the same offences as people from white backgrounds, and serve more of their sentence before release.¹²³ The legal doctrine of joint enterprise has proved especially disproportionate in sentencing young Black men to life for murder.¹²⁴ The embedded racial disproportionality in sentencing, means that any change in homicide law risks disproportionately affecting ethnic minority groups without due care to mitigate discrimination.

The burgeoning consequences of racial disproportionality are particularly stark in the prison population serving life sentences. Since 2015, the proportion of the prison population from an ethnic minority background has remained steady, at 26% in 2015 and 27% in 2025. Conversely, the proportion of people serving life sentences who are from ethnic minority backgrounds has increased from 27% to 35%. While the total life sentenced population in prison has only increased by 1% in the past decade, the number from white backgrounds has declined by 11%, while the number from ethnic minority backgrounds has increased by almost a third (32%).¹²⁵

Figure 11: The proportion of life-sentenced prisoners from an ethnic minority background



Source: Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*. And previous editions.

There are some differential trends between mandatory and other life sentences. The mandatory life sentenced population from a white ethnic background has remained almost unchanged (3,736 in 2015 and 3,719 in 2025), whereas the population from ethnic minority backgrounds has increased by 44% (1,538 in 2015 and 2,210 in 2025). For other life sentences, the population has declined by 28% as a whole, but

¹²³ The Lammy Review (2017). *An independent review into the treatment of, and outcomes for, Black, Asian and minority ethnic individuals in the criminal justice system*.

¹²⁴ Mills, H., Ford, M. & Grimshaw, R. (2022). *The usual suspects: Joint enterprise prosecutions before and after the Supreme Court ruling*. Centre for Crime and Justice Studies.

¹²⁵ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*. And previous editions.

while the decrease in the population from white backgrounds is 34%; for the ethnic minority population the decline has only been 6%.¹²⁶

The explanation for the rising disproportionality in the life sentenced population is likely to be vastly more complicated than a result of convictions. People from ethnic minority backgrounds have consistently comprised between one quarter and one third of murder convictions since 2017,¹²⁷ suggesting that rising numbers in prison may be best explained by post-sentencing factors. The numbers sentenced to discretionary life (or any sentence), for homicide are too small to make meaningful inferences by ethnic group.

The change in the life sentenced population has not been satisfactorily addressed by the 'explain or reform' principle set out in the Lammy review for where racial disproportionality occurs. There is insufficient information on minimum terms given, or how the general issues with progression particularly affect lifers from ethnic minority backgrounds, but systemic issues that affect the progression of all lifers are very likely to intersect with racial discrimination issues in a way that impedes progress.

Warr (2020), in his study of 110 prisoners serving life or lengthy sentences, noted the use of "narrative labour" by prisoners, to present themselves in a way that met a socio-cultural ideal that they perceived was necessary for progression purposes.¹²⁸ For Black prisoners, this ideal was governed in such a way that they felt forced to 'whiten' their identities in order to avoid negative interpretations of, amongst other things, their social relationships, appearance, and language.¹²⁹ In a forthcoming PRT publication on the experiences of undertaking offending behaviour programmes, Black men described the misrecognition they underwent from predominantly white facilitators, whose views carry significant weight for progression purposes.

The broader discrimination and difficulty faced by ethnic minority prisoners was also detailed by the prisons inspectorate in a thematic report in 2022, which are also likely to affect progression.¹³⁰

However, the Parole Board publishes release outcomes by ethnic group, and against an average of 46% in 2024/25, Asian (47%), Black (51%) and Mixed (48%) prisoners were slightly above average and Chinese/Other prisoners were below average (39%). This breakdown is not available by sentence or offence type, so it is not clear how prisoners specifically convicted of homicide fare. But it suggests the greatest risks lie in simply getting through lengthy terms in the first place.

The body of evidence on racial disproportionality collectively suggests that the concerns we outlined in earlier sections, might reasonably be expected to disproportionately affect ethnic minority groups without due regard for countering systemic discrimination. While reforms present a very valuable opportunity to address intersectional disadvantages of race, age and gender that affect homicide

¹²⁶ Ministry of Justice (2025). *Offender management statistics quarterly: January to March 2025*. And previous editions.

¹²⁷ Ministry of Justice (2025). *Criminal justice statistics quarterly: December 2024*.

¹²⁸ Warr, J. (2020). 'Always gotta be two mans': lifers, risk, rehabilitation and narrative labour. *Punishment & Society*, 22(1), 28-47.

¹²⁹ Warr, J. (2023). Whitening Black men: narrative labour and the scriptural economics of risk and rehabilitation. *The British Journal of Criminology*, 63(5), 1091-1107.

¹³⁰ HM Inspectorate of Prisons (2022). *The experiences of adult black male prisoners and black prison staff*.

sentencing, and should be seized, care should be taken to avoid unintended consequences.

Intersectional implications for the three-tier model

- Women convicted of homicide have distinctly high levels of factors that may be considered to reduce culpability when the offence is committed within the context of domestic abuse or coercive control. The law needs to properly reflect the role of these factors in homicides committed by women.
- The very low use of life and extended determinate sentences for women convicted of homicide other than murder means that they are at greater risk of sentence inflation if the sentencing criteria for discretionary life are not carefully formulated.
- Children convicted of murder are being increasingly acutely punished to the exclusion of other sentencing purposes. To reset the balance, a discretionary life sentence for children convicted of second degree murder could either be made unavailable or only used in the most exceptional circumstances.
- Sentence and minimum term lengths should be rebalanced with sentencing aims other than punishment, as well as full recognition of the sentencing guidelines for children and young people, including children's rapid development.
- At an absolute minimum, the opportunity for a mid-term review for all prisoners sentenced as children should be restored.
- The young adult population in prison convicted of murder (particularly 18-20 year-olds) is growing much faster than the mandatory life sentenced population as a whole. Schedule 21 should be reviewed with the intention of restoring more distinction in the sentencing of young adults and arresting this growth.
- The sentencing framework for homicide as a whole should adopt the now widely accepted evidence-based definition of young adults (18-25). The legal definition is too restrictive and not appropriate to what is now known about maturation.
- The particular problems of racial disproportionality in joint enterprise convictions mean that the three-tier model stands as an opportunity to deflate the lengthy terms given to people from ethnic minority backgrounds convicted of murder.
- However, the post-conviction disproportionalities and struggles to progress experienced by ethnic minority life sentenced prisoners will not be addressed by sentencing alone, and more ethnically and culturally sensitive reforms are needed to the entire sentence structure.